

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TYRONE OWENS,

Plaintiff,

v.

C/O BURGESS, et al.,

Defendants.

No. 02-CV-0942-DRH

ORDER

HERNDON, District Judge:

On February 27, 2006, Magistrate Judge Proud set this matter for status conference on March 3, 2006 at 9:00 a.m. (Doc. 188). The Notice specifically states: "PLAINTIFF'S APPEARANCE IS MANDATORY. FAILURE TO APPEAR MAY RESULT IN DISMISSAL AND/OR SANCTIONS." On March 3, 2006, Magistrate Judge Proud held the status conference (Doc. 190). Attorney. Jim Ehrenberg appeared on behalf of the Defendants. Plaintiff failed to appear at the status conference. During the status conference, Defendants orally moved to dismiss this case for failure to prosecute (Doc. 189).¹ Pursuant to Magistrate Judge Proud's February 17, 2006 Notice and **Federal Rule of Civil Procedure 41(b)**,² the Court **GRANTS** Defendants'

¹The Court notes that on October 13, 2005, the Seventh Circuit Court of Appeals dismissed Owens' appeal for want of prosecution for failure to respond to a show cause order (Doc. 179).

²Under **Rule 41(b)**, a court may dismiss a claim "[f]or failure of the plaintiff to prosecute or to comply ... with any order of court" **Fed.R.Civ.P. 41(b)**.

oral motion and **DISMISSES without prejudice** Plaintiff's cause of action for want of prosecution.

IT IS SO ORDERED.

Signed this 7th day of March, 2006.

/s/ David RHerndon
United States District Judge